

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CATALDO PIRITO : CIVIL ACTION
: :
: :
v. : :
: :
: :
PENN ENGINEERING WORLD : :
HOLDINGS, et al. : NO. 09-2396

ORDER

AND NOW, this 16th day of May, 2013, upon
consideration of plaintiff Cataldo Pirito's motion for summary
judgment (docket entry # 117), defendants Penn Engineering World
Holdings and Penn Engineering & Manufacturing Corp.'s motion for
summary judgment (docket entry # 116), plaintiff's response and
brief in opposition thereto (docket entry # 119), defendants'
response and brief in opposition to plaintiff's motion to
dismiss (docket entry # 120), plaintiff's reply (docket entry #
121), defendants' response in support of their motion for
summary judgment (docket entry # 122), defendants' response to
the Court's request for briefing on the effect of the January
16, 2013 decision of the Milan Court of Appeals (docket entry #
128), plaintiff's letter regarding the same (docket entry #
127), defendants' motion for costs (docket entry # 129),
plaintiff's response in opposition thereto (docket entry # 131),

and defendants' motion for leave to file a reply brief in support of their motion for costs (docket entry # 132), and upon the analysis set forth in the accompanying Memorandum which supplements our prior ruling of December 22, 2011 (docket nos. 55 and 56), it is hereby ORDERED that:

1. Plaintiff's motion for summary judgment (docket entry # 117) is DENIED;

2. Defendants' motion for summary judgment (docket entry # 116) is GRANTED;

3. Counts I and IV of the Counterclaims are DISMISSED WITHOUT PREJUDICE;

4. Our Judgment confirming the September 18, 2009 arbitration award is made FINAL AND ENFORCEABLE in accordance with the Amended Judgment filed herewith pursuant to Fed. R. Civ. P. 58;

5. Defendants' motion for costs (docket entry # 129) is DENIED WITHOUT PREJUDICE;

6. Defendants' motion for leave to file a reply brief (docket entry # 132) is DENIED AS MOOT; and

7. The Clerk of Court shall CLOSE this case statistically.

BY THE COURT:

/s/ Stewart Dalzell, J.
Stewart Dalzell, J.